

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE FILING BY BLACK</b>	)	<b>ORDER CANCELLING</b>
<b>HILLS FIBERCOM, LLC FOR APPROVAL OF</b>	)	<b>HEARING</b>
<b>ITS INTRASTATE SWITCHED ACCESS TARIFF</b>	)	
<b>AND FOR AN EXEMPTION FROM</b>	)	<b>TC00-190</b>
<b>DEVELOPING COMPANY SPECIFIC COST-</b>	)	
<b>BASED SWITCHED ACCESS RATES</b>	)	

On November 22, 2000, the Public Utilities Commission (Commission) received a filing from Black Hills FiberCom, LLC for approval of its intrastate switched access tariff and for an exemption from developing company specific cost-based switched access rates. The tariff filing is a concurrence in the rates, terms and conditions of the current LECA Tariff No. 1, with the exception of the switched access rates which are based on a statewide average. The company is also requesting that the Commission exempt it from the requirement to develop intrastate switched access rates based on company specific costs. The company is requesting an effective date of November 22, 2000.

On November 23, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of December 8, 2000, to interested individuals and entities. Qwest Corporation (Qwest) filed a Petition for Leave to Intervene on December 6, 2000. At its regularly scheduled meeting of December 12, 2000, the Commission granted intervention to Qwest. On January 16, 2001, the Commission received a Motion for Continuance and Affidavit of Counsel from Black Hills FiberCom.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 49-31, specifically 49-31-18 and 49-31-19 and ARSD Chapters 20:10:27 through 20:10:29, inclusive.

By order dated August 28, 2001, a hearing was scheduled for October 4, 2001, beginning at 8:30 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. Commission Staff has now been informed that settlement had been reached in this matter, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for October 4, 2001, is cancelled.

Dated at Pierre, South Dakota, this 28th day of September, 2001.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
JAMES A. BURG, Chairman

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PAM NELSON, Commissioner